

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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**TWENTY-FIFTH LEGISLATIVE DAY**  
**THURSDAY, FEBRUARY 4, 2016**

Senate Chamber

President Little called the Senate to order at 10:45 a.m.

Roll call showed all members present except Senators Davis and McKenzie, absent and formally excused by the Chair; and Senators Brackett and Rice, absent and excused.

Prayer was offered by Father John Worster.

The Pledge of Allegiance was led by Marshall Toryanski, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 3, 2016, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Brackett was recorded present at this order of business.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 4, 2016

The JUDICIARY AND RULES Committee reports that [S 1245](#), [S 1246](#), [S 1247](#), [S 1248](#), [S 1249](#), [S 1250](#), [S 1251](#), and [S 1252](#) have been correctly printed.

LODGE, Chairman

[S 1245](#) was referred to the Local Government and Taxation Committee.

[S 1246](#) was referred to the Transportation Committee.

[S 1247](#), [S 1248](#), and [S 1249](#) were referred to the Education Committee.

[S 1250](#), [S 1251](#), and [S 1252](#) were referred to the Health and Welfare Committee.

February 3, 2016

The FINANCE Committee reports out [H 384](#) with the recommendation that it do pass.

KEOUGH, Chairman

[H 384](#) was filed for second reading.

February 3, 2016

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Cindy P. Wilson to the State Board of Correction, term to expire January 1, 2021.

LODGE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 3, 2016

The JUDICIARY AND RULES Committee reports out [SCR 132](#) with the recommendation that it do pass.

LODGE, Chairman

[SCR 132](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 3, 2016

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 344](#), [H 345](#), [H 347](#), and [H 425](#) with the recommendation that they do pass.

SIDDOWAY, Chairman

[H 344](#), [H 345](#), [H 347](#), and [H 425](#) were filed for second reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

February 3, 2016

Dear Mr. President:

I transmit herewith [H 372](#), [H 376](#), [H 403](#), [H 335](#), [H 336](#), [H 337](#), [H 338](#), [H 339](#), and [H 380](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 372](#), [H 376](#), [H 403](#), [H 335](#), [H 336](#), [H 337](#), [H 338](#), [H 339](#), and [H 380](#) were filed for first reading.

February 3, 2016

Dear Mr. President:

I transmit herewith Enrolled [H 342](#) and [H 349](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 342](#) and [H 349](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Megan Ronk was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Burgoyne, the Gubernatorial appointment of Megan Ronk as the Director of the Department of Commerce was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senator Rice was recorded present at this order of business.

The President announced that the Local Government and Taxation Committee report relative to the Gubernatorial appointment of David E. Kinghorn was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Siddoway, seconded by Senator Stennett, the Gubernatorial appointment of David E. Kinghorn as a member of the Board of Tax Appeals was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Local Government and Taxation Committee report relative to the Gubernatorial appointment of Leland G. Heinrich was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Thayn, seconded by Senator Ward-Engelking, the Gubernatorial appointment of Leland G. Heinrich as a member of the Board of Tax Appeals was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Local Government and Taxation Committee report relative to the Gubernatorial appointment of Linda Pike was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Schmidt, seconded by Senator Burgoyne, the Gubernatorial appointment of Linda Pike as a member of the Board of Tax Appeals was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that [SCR 134](#) was before the Senate for final consideration.

Moved by Senator Mortimer, seconded by Senator Ward-Engelking, that [SCR 134](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Davis, McKenzie. Total - 2.

Total - 35.

Whereupon the President declared [SCR 134](#) adopted, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1253

#### BY JUDICIARY AND RULES COMMITTEE

##### AN ACT

RELATING TO CHILD PROTECTION; AMENDING SECTION 16-1602, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 16, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-1644, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE THAT CAREGIVERS SHALL EXERCISE CERTAIN STANDARDS OF CARE IN DECIDING WHETHER TO ALLOW A FOSTER CHILD TO PARTICIPATE IN ACTIVITIES, TO LIMIT LIABILITY AND TO PROVIDE THAT THIS SECTION DOES NOT AFFECT LIABILITY PROTECTIONS OTHERWISE PROVIDED BY LAW; AND AMENDING SECTION 16-2002, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

#### S 1254

#### BY JUDICIARY AND RULES COMMITTEE

##### AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-2426, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN GOVERNMENT VEHICLES THAT ARE EXEMPT FROM CERTAIN MARKINGS; AND AMENDING SECTION 49-2427, IDAHO CODE, TO REVISE A PROVISION REGARDING LIGHTING ON STATE POLICE VEHICLES, TO PROVIDE AN EXEMPTION FOR CERTAIN VEHICLES AND TO MAKE TECHNICAL CORRECTIONS.

#### S 1255

#### BY JUDICIARY AND RULES COMMITTEE

##### AN ACT

RELATING TO THE ATTORNEY GENERAL; AMENDING SECTION 31-2002, IDAHO CODE, TO REVISE THE DUTIES OF THE ATTORNEY GENERAL REGARDING INVESTIGATIONS AND ACTIONS AGAINST COUNTY ELECTED OFFICERS IN CERTAIN CRIMINAL LAW

MATTERS AND TO PROVIDE A CORRECT CODE REFERENCE.

**S 1256**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO MOTOR VEHICLE FINANCIAL RESPONSIBILITY; AMENDING SECTION 49-236, IDAHO CODE, TO INCREASE A FINE AMOUNT; AMENDING SECTION 49-1229, IDAHO CODE, TO INCREASE A FINE AMOUNT; AND AMENDING SECTION 49-1428, IDAHO CODE, TO INCREASE A FINE AMOUNT.

**S 1257**

**BY EDUCATION COMMITTEE**

AN ACT

RELATING TO SCHOOL DISTRICT BOARD OF TRUSTEES; AMENDING SECTION 33-502B, IDAHO CODE, TO REVISE PROVISIONS REGARDING ELECTIONS FOR SCHOOL DISTRICT BOARD TRUSTEES.

**S 1258**

**BY AGRICULTURAL AFFAIRS COMMITTEE**

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-107, IDAHO CODE, TO REMOVE REFERENCE TO THE UNIVERSITY OF IDAHO CAINE VETERINARY TEACHING AND RESEARCH CENTER AND TO PROVIDE FOR THE ANNUAL TRANSFER OF CERTAIN MONEYS TO THE UNIVERSITY OF IDAHO COLLEGE OF AGRICULTURAL AND LIFE SCIENCES, DEPARTMENT OF ANIMAL AND VETERINARY SCIENCE.

**S 1259**

**BY AGRICULTURAL AFFAIRS COMMITTEE**

AN ACT

RELATING TO THE IDAHO DAIRY PRODUCTS COMMISSION; AMENDING SECTION 25-3102, IDAHO CODE, TO REMOVE PROVISIONS REGARDING EX OFFICIO MEMBERS OF THE COMMISSION; AND AMENDING SECTION 25-3107, IDAHO CODE, TO REVISE PROVISIONS REGARDING NOMINATING COMMITTEES, TO REVISE A PROVISION REGARDING PETITIONS FOR NOMINATION OF PRODUCER MEMBERS, TO PROVIDE THAT BALLOTS FOR ELECTING MEMBERS WILL BE MAILED BY THE COMMISSION AND TO MAKE TECHNICAL CORRECTIONS.

**S 1260**

**BY AGRICULTURAL AFFAIRS COMMITTEE**

AN ACT

RELATING TO ANIMALS AND THE ENVIRONMENT; AMENDING SECTION 22-4902, IDAHO CODE, TO REVISE A DECLARATION OF POLICY AND STATEMENT OF LEGISLATIVE INTENT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 22-4903, IDAHO CODE, TO REVISE THE AUTHORITIES AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE REGARDING BEEF CATTLE ANIMAL FEEDING OPERATIONS, TO PROVIDE THAT CERTAIN SPECIFIED LAW SHALL NOT AFFECT THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ADMINISTER AND ENFORCE AN IDAHO NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM, TO PROVIDE FOR THE ESTABLISHMENT OF AN AGREEMENT

BETWEEN THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY REGARDING THE ADMINISTRATION OF AN IDAHO NPDES PROGRAM AND TO PROVIDE FOR THE DELEGATION OF CERTAIN AUTHORITY; AMENDING SECTION 22-4904, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 22-4907, IDAHO CODE, TO REVISE INSPECTION PROVISIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 22-4909A, IDAHO CODE, TO REVISE PROVISIONS REGARDING AUTHORIZATION TO ADMINISTER LAWS RELATING TO WATER QUALITY WITHIN CERTAIN OPERATIONS; REPEALING SECTION 37-602, IDAHO CODE, RELATING TO LEGISLATIVE INTENT; AMENDING CHAPTER 6, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-602, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSES; AMENDING SECTION 37-603, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE AUTHORITY OF THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR AGENCY COORDINATION, TO PROVIDE THAT CERTAIN SPECIFIED LAW SHALL NOT AFFECT THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ADMINISTER AND ENFORCE AN IDAHO NPDES PROGRAM AND TO PROVIDE FOR THE ESTABLISHMENT OF AN AGREEMENT BETWEEN THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY REGARDING THE ADMINISTRATION OF AN IDAHO NPDES PROGRAM; AMENDING SECTION 37-604, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 37-605, IDAHO CODE, RELATING TO DESIGN AND CONSTRUCTION; AMENDING CHAPTER 6, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-605, IDAHO CODE, TO PROVIDE FOR DAIRY STORAGE AND CONTAINMENT FACILITY DESIGN AND CONSTRUCTION, TO PROVIDE THAT DESIGN, CONSTRUCTION, OPERATION AND MAINTENANCE IN ACCORDANCE WITH CERTAIN CRITERIA SHALL BE CONSIDERED A BEST MANAGEMENT PRACTICE, TO REQUIRE APPROVAL OF FACILITIES BY THE DEPARTMENT OF AGRICULTURE, TO PROVIDE THAT STORAGE AND CONTAINMENT FACILITIES CRITERIA SHALL BE IMPLEMENTED BY THE DAIRY FARM AND ENFORCED BY THE DEPARTMENT AND TO PROVIDE THAT THE DEPARTMENT'S REVIEW AND APPROVAL OF PLANS SHALL SUPERSEDE OTHER SPECIFIED ACTION; AMENDING SECTION 37-606, IDAHO CODE, TO REVISE PROVISIONS REGARDING DAIRY NUTRIENT MANAGEMENT PLANS; AMENDING CHAPTER 6, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-606A, IDAHO CODE, TO PROVIDE FOR DAIRY ENVIRONMENTAL MANAGEMENT PLANS; AMENDING SECTION 37-607, IDAHO CODE, TO REVISE INSPECTION PROVISIONS AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 37-608, IDAHO CODE, RELATING TO UNAUTHORIZED DISCHARGES; AMENDING CHAPTER 6, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-608, IDAHO CODE, TO PROVIDE FOR UNAUTHORIZED DISCHARGES AND UNAUTHORIZED RELEASES; REPEALING SECTION 37-609, IDAHO CODE, RELATING TO SAFE HARBOR; AND AMENDING CHAPTER 6, TITLE 37, IDAHO CODE,

BY THE ADDITION OF A NEW SECTION 37-609, IDAHO CODE, TO PROVIDE THAT CERTAIN DAIRY FARMS SHALL NOT BE SUBJECT TO ENFORCEMENT, TO CLARIFY THE RESPECTIVE AUTHORITIES OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY, TO PROVIDE THE MANNER IN WHICH THE DEPARTMENT OF AGRICULTURE SHALL ADDRESS NONCOMPLIANCE, TO PROVIDE FOR CIVIL PENALTIES, TO PROVIDE CONDITIONS UNDER WHICH CERTAIN PENDING ADMINISTRATIVE OR CIVIL ENFORCEMENT ACTIONS SHALL BE DEEMED VOID AND TO PROVIDE THAT CERTAIN ORDERS SHALL REMAIN IN FULL FORCE AND EFFECT.

[S 1253](#), [S 1254](#), [S 1255](#), [S 1256](#), [S 1257](#), [S 1258](#), [S 1259](#), and [S 1260](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 372](#), by Business Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 376](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 403](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

[H 335](#), [H 336](#), [H 337](#), [H 338](#), and [H 339](#), by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 380](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

#### Second Reading of Bills

[S 1229](#), by Transportation Committee, was read the second time at length and filed for third reading.

[S 1233](#), by Finance Committee, was read the second time at length and filed for third reading.

[S 1202](#), by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

[S 1208](#), by Education Committee, was read the second time at length and filed for third reading.

[S 1211](#), by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

#### Third Reading of Bills

[S 1213](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hagedorn arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill,

Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, Mortimer, Nuxoll, Patrick, Rice, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 31.

NAYS—None.

Absent and excused—Davis, McKenzie, Nonini, Schmidt. Total - 4.

Total - 35.

Whereupon the President declared [S 1213](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1215](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Rice arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, Mortimer, Nuxoll, Patrick, Rice, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 31.

NAYS—None.

Absent and excused—Davis, McKenzie, Nonini, Schmidt. Total - 4.

Total - 35.

Whereupon the President declared [S 1215](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### Miscellaneous Business

On motion by Senator Winder, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:55 a.m. until the hour of 10:45 a.m., Friday, February 5, 2016.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary